

**MISSOURI BOARD OF GEOLOGIST REGISTRATION**  
**Southeast Missouri State University**  
**University Center Board Room, Cape Girardeau, Missouri**  
**NOVEMBER 15, 2001**

**OPEN MINUTES**

The Missouri Board of Geologist Registration Meeting was called to order by Larry Hendren, Chairperson, at 9:00am on November 15, 2001, at the University Center Board Room, Southeast Missouri State University, Cape Girardeau, Missouri.

**Members Present**

Larry Hendren, Chairperson  
Lisa Hosey, Vice-Chairperson  
Cynthia Brookshire, Member  
John Howard, Member  
Mimi Garstang, Ex Officio Member  
Tom Watkins, Member  
Michelle Smart, Public Member

**Members Absent**

Paul Foster, Secretary, Public Member

**Staff Present**

Pam Groose, Executive Director  
Roxy Brockman, Clerk IV  
Tammy Mouden, Licensing Technician II  
Karen Hess, Assistant Attorney General  
Penney Rector, Assistant Attorney General (via conference phone)

**Approval of Open Agenda**

A motion was made by Mr. Watkins and seconded by Ms. Brookshire to approve the open session agenda. All approved.

**Approval of Open Minutes**

A motion was made by Mr. Howard and seconded by Ms. Brookshire to table the open session minutes of the August 9, 2001 conference call for corrections. All approved.

A motion was made by Mr. Watkins and seconded by Ms. Hosey to approve the open session minutes from the September 5, 2001 1:35pm conference call with revisions. All approved.

A motion was made by Mr. Howard and seconded by Ms. Brookshire to approve the open session minutes from the September 5, 2001 2:40pm conference call. All approved.

**Update - Geologist/Engineer Language for Guidance Document**

Ms. Garstang reported that she had a meeting with a small group of engineers and geologists. She said they talked through the guidance document, the matrix, the law and how everybody felt about stamping and sealing the matrix portion of the tanks paper work. Ms. Garstang said the meeting was done very professionally, everyone got everything out on the table but they could not come to a consensus or agreement. She said after that meeting the Department of Natural Resources invited engineers and geologists to come together that were a subset of the

“stake holders” group that had been working on the whole tank issue. She said the whole issue was discussed again and what everybody’s opinion was and what the legal direction was as far as the matrix. She said a lot of the people at the meeting felt that tanks work definitely needed a professional that reported to a registration board so that accountability could be an issue in tanks work. She said several of them felt that the matrix could be stamped and sealed by an engineer or a geologist. She said there was not a vote taken, it was just a discussion type of meeting but again a consensus was not reached at that meeting. Ms. Garstang said she reported back to her department director and essentially at his insistence and attorney’s recommendations all of the matrixes are being required to be stamped and sealed by an RG. She said the Department of Natural Resources has hired a consultant to help revise all of the tanks guidance documents. She said for the time being the department is sending things back if they are not stamped and sealed by an RG.

Mr. Howard questioned Ms. Garstang in regard to what the engineers were in disagreement about and she said the engineers think an engineer should be able to do anything a geologist can do. She said she suggested in the first meeting with the small group that as revisions are made to the guidance document those parts of the work that need to be done by a geologist and those parts of the work that need to be done by an engineer be defined. She said she agreed a geologist should not be doing design work for these tanks for remediation sites but that is not something they wanted to accept.

Mr. Hendren asked if she expressed to the engineers that the Geology Board does feel that there are some engineers who the Board believes are qualified to do tank work. He asked if the engineers understood that we have a law to uphold. Ms. Garstang said the engineers brought up the exemption clause, which was talked about in length as to what it meant and the intent of the language. She said she would not be surprised if there wouldn’t be some kind of effort to change the Geologists Registration Act during the next session. The Board members expressed their thanks to Ms. Garstang for her efforts in this regard.

### **Geology Sunshine Law Policy**

Ms. Groose said she is presenting this policy to the Board because the Department of Economic Development attorney has requested that all boards, committees and commissions accept a written sunshine law policy. A motion was made by Mr. Howard and seconded by Mr. Watkins to approve the sunshine law policy. All approved

### **Meetings Attended**

*-Board Presidents Meeting, September 21, 2001* was attended by Mr. Hendren and Ms. Groose. Mr. Hendren briefly discussed the Summary, Cost Comparison of Current and Proposed Cost Allocation document that was presented at the Board President’s meeting. Ms. Groose indicated the new cost allocation plan indicates all new boards will be assessed .5% for Division Wide Costs when a licensee count has been established and all existing Boards will be grandfathered in.

As far as the Division’s 2002 legislative requests they were trying to get civil penalties and subpoena authority for the Division but they were unsuccessful and will not pursue that again as a Department but have left it up to the individual boards to pursue if they so choose.

Mr. Hendren said the Division is moving towards online renewals, that this will be a considerable cost savings for all the Boards but the biggest problem at this time is the ability to pay by credit card securely by internet access. Mr. Hendren indicated he thought about 75% of Registered Geologists would renew by internet and Mr. Howard said he thought between 50 -75% would renew by internet. Ms. Groose will share this information with the Division. She also explained

the proposed process for online notification and renewal. Mr. Howard expressed concern in regard to the online renewal process and the sending out of subsequent renewals by e-mail due to changes in e-mail addresses, job changes etc. Ms. Groose said that the Board would not have a say in the renewal process since the Division is responsible for the renewal of all licenses. Mr. Howard indicated he understood but would like these concerns shared with the Division.

Mr. Hendren said that Marilyn Williams, Division Director, provided an update about optical imaging, that it is very close to being implemented. Ms. Groose said that some of the pilot boards are targeted to begin around December 1, 2001.

Mr. Hendren also reported that the Division is a Type Three agency. Ms. Groose said that a Type Three agency has more authority as a division under a department than Type Two, that we will remain under the Department of Economic Development (DED) and not move under the Department of Labor and Industrial Relations (DOLIR).

*-ASBOG Annual Meeting and COE Workshop, October 9-13, 2001, Pittsburg, Pennsylvania.* Mr. Hendren stated the Annual Income Report included in the board books was provided to him at the Annual Meeting. He indicated the audit issue was revisited. ASBOG sent a Request for Qualification and received responses from three accounting firms. ASBOG at that time sent a Request for Proposed Bids to the three accounting firms and only received one response. He said that ASBOG reported the firm that submitted the bid, which was around \$2,200.00, is performing an audit based upon the standard accounting procedures. He said that ASBOG indicated that if any state feels that additional detail or information is required then that state would need to pay for the additional work it would entail.

The Annual Summary Report for ASBOG results for September 2000 and March 2001 and the ASBOG Candidate Handbook were also included for the Board members' review. Mr. Hendren stated the reciprocity issue was talked about at ASBOG and Missouri's name came up. He said Kansas is concerned about our not accepting Kansas applicants. ASBOG pointed out that is their purpose, to promote reciprocity between the states.

Mr. Hendren reported that they spent an extensive amount of time reviewing all of the candidate's comments and questions about the ASBOG examination. He said this information is very helpful and does provide some light on the questions.

*- Upcoming meeting*

COE, April 2002 at Indianapolis. Ms. Garstang indicated that she would be interested in attending. Mr. Hendren encouraged Ms. Garstang to try to attend since she is the state geologist. Ms. Groose said she would verify the dates and forward that information to Ms. Garstang.

ASBOG Annual Meeting, November 2002, in Biloxi, Mississippi. Ms. Hosey indicated she is interested in attending.

## **EXECUTIVE DIRECTOR'S REPORT**

*Financial Update* — The Board reviewed the financial report. Ms. Groose said that renewals will probably go out in February.

*Board presentations* – Ms. Goose indicated that the revised Geology presentation has been given to Ms. Garstang, Mr. Watkins, Mr. Howard, and Ms. Brookshire on diskettes and overhead transparencies were given to Ms. Hosey. No presentations have been given since the last meeting. Larry asked Mimi if she wanted to try to give one at NW when she is there.

*Late Renewal Fee* – The reduction of the late renewal fee will become effective October 30, 2001.

*Exam Fee* – Ms. Goose reported that the fee rule has been filed which will amend and reduce the fundamentals exam from \$150.00 to \$125.00

*Legislative Update* - Ms. Goose indicated that per diem was passed as reported at the last meeting but money had not been appropriated. She said that if this money which has been requested is appropriated then per diem could be collected as of July 1, 2002.

She said the proposed language to require applicants coming from other states to clearly have taken and passed the ASBOG or similar examination did not get through the Division and the Department for those same reasons that were expressed at the meeting – it goes against everything the Division and Department has pushed for for several years with the professions and that is Economic Development encourages mobility of the professional moving from state to state. Mr. Howard asked even if it is in conflict with the rule? She said no, the statute is the guiding factor and if your rule is in conflict then you need to fix your rule. She said their option is to not submit the statute change through the Division or Department but through one of the associations. Mr. Hendren felt this needed to be discussed further but needs some direction to change the statute to require exam etc.

Ms. Goose said that the inactive language is still being considered. This would be an advantage so that a licensee could place a license on inactive status without having to pay a fee or reapply. We would have the ability to define by rule what the licensee has to do to reactivate the license.

*Fundamentals Exam as Exit Exam Survey Update* –Ms. Goose said she included responses from the universities that were received and asked the Board how they wanted her to proceed. Mr. Watkins suggested that we respond to the universities, provide examination application packets with any information they need. The Board discussed statistical information that would be shared with the universities. Ms. Hosey suggested that a letter be sent to the universities that did not respond by telling them which programs responded which may encourage the other programs to participate. Ms. Brookshire pointed out that the programs have been approached several times and that this may be something that can be placed in the newsletter. Mr. Watkins indicated that information does not need to be sent to the community colleges since they are not 4 year programs. Mr. Howard said that Washington University needs to be added to the list and he will provide a contact name to Ms. Goose.

*Newsletter* – Mr. Howard asked if the newsletter would include enforcement actions. Ms. Goose asked if he was referring to the Binkley decision information and he said yes. Ms. Rector was consulted and she indicated that this information could be included in the newsletter. Mr. Howard said that he felt it was important to document for the public that we are doing something. Ms. Goose said she hopes to get the newsletter out in December. She said she will include the list of people who did not renew, fee rule changes, board member and staff changes, upcoming meetings. She said she needs an article from Mr. Hendren and a bio about Ms. Smart and Ms. Garstang. Ms. Garstang offered to write an article in regard to DNR's reorganization.

*Next Meeting Dates -*

- February 4, 2002, Monday, 10:00am via conference call
- May 2, 2002, Thursday, 9:30am at the Professional Registration building.
- August 8, 2002, Thursday, 10:00am via conference call
- November 14, 2002, Thursday, 9:30am at the University of Missouri – Kansas City. (The meeting time may change to 9:00am if everyone is going to be there.)

A motion was made by Ms. Brookshire and seconded by Mr. Howard to go into closed session at 11:00am. Ms. Hosey, Mr. Watkins, Ms. Brookshire, Mr. Howard, and Ms. Smart all approved.

A motion was made by Mr. Watkins and seconded by Mr. Howard to accept all votes made in closed session. Ms. Hosey, Mr. Watkins, Ms. Brookshire, Mr. Howard and Ms. Smart all approved.

A motion was made by Mr. Watkins and seconded by Ms. Brookshire to adjourn at 12:10pm. All approved.

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Executive Director

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Date approved by Board